

Beneficial Use Exempt Well Panel

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Gallatin County Water Task Force

- Concern about Exempt (Low-Yield) wells.
- What is a low yield well?
 - A well that discharges less than 35 gpm
 - less than 10 acre-feet per year
 - Less than 6.2 gpm 24 hours per day, 7 days a week, 365 days a year
- If the well is exempt, does it mean the well is pumping at 35 gpm?
 - No, but it could

Exempt Well Issues

(Gallatin Water Resources Task Force)

- Subdivisions with exempt wells are not reviewed for ground-water impacts.
- Exempt wells cumulative Impacts
- Exempt wells and mixing zones
- Exempt wells separation from septic systems
- Notice of completion

Subdivisions with exempt wells are not reviewed for ground-water impacts

- This is the path of least resistance when permitting gets difficult for central water systems
 - Central water allows higher density of development (more profit)
 - Exempt wells require lower density of development (less permitting cost; ?more profit?)
 - A loop hole in review particularly a problem for ground-water-surface-water interaction (Smith River Decision)

Solutions Exempt Wells

- County require all subdivisions above a specific size use central water supply.
- County require review of water for all subdivisions central or exempt-well water supply. (more severe than state law)
- County require third party review of proposed subdivisions as requested by county commission.
- County form a standing water Resources Technical Advisory Committee to independently review water for subdivisions when requested
- County could hire staff to review water issues for subdivisions.
- County could petition for controlled ground water areas

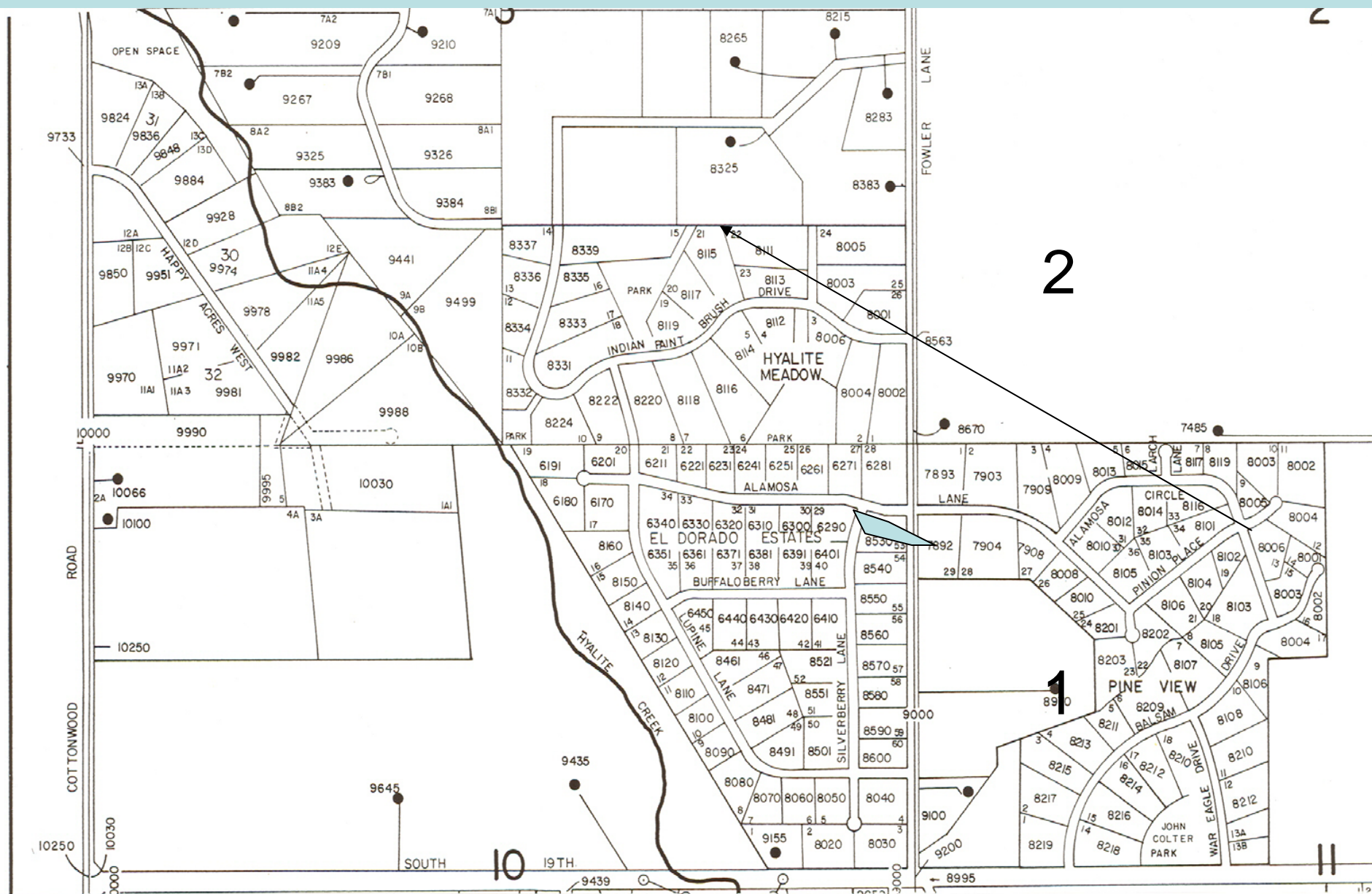
Pros and Cons in the Appendix

Exempt wells cumulative Impacts

- General concern
- No downward trend in wells
- Need good monitoring
- Vigilance
- Generally, Water Law does not recognize the right to a water level.
- This could be an important issue for ground-water-surface-water interaction

Exempt wells and mixing zones

- Mixing zones cross property boundaries.
- Adjacent property owners are not aware of where they are
- Well may be sited in the mixing zone.



Solutions

- Require mixing zone easement on adjacent properties
- Prohibit mixing zones from crossing property boundaries
- Define mixing zones based on projected nitrate levels rather than on standard length
- Build an internet page that shows mixing zones to everyone.
- Do a better job of notifying adjacent land owners when mixing zones are planned which do cross property boundaries. (Subdivision review process)

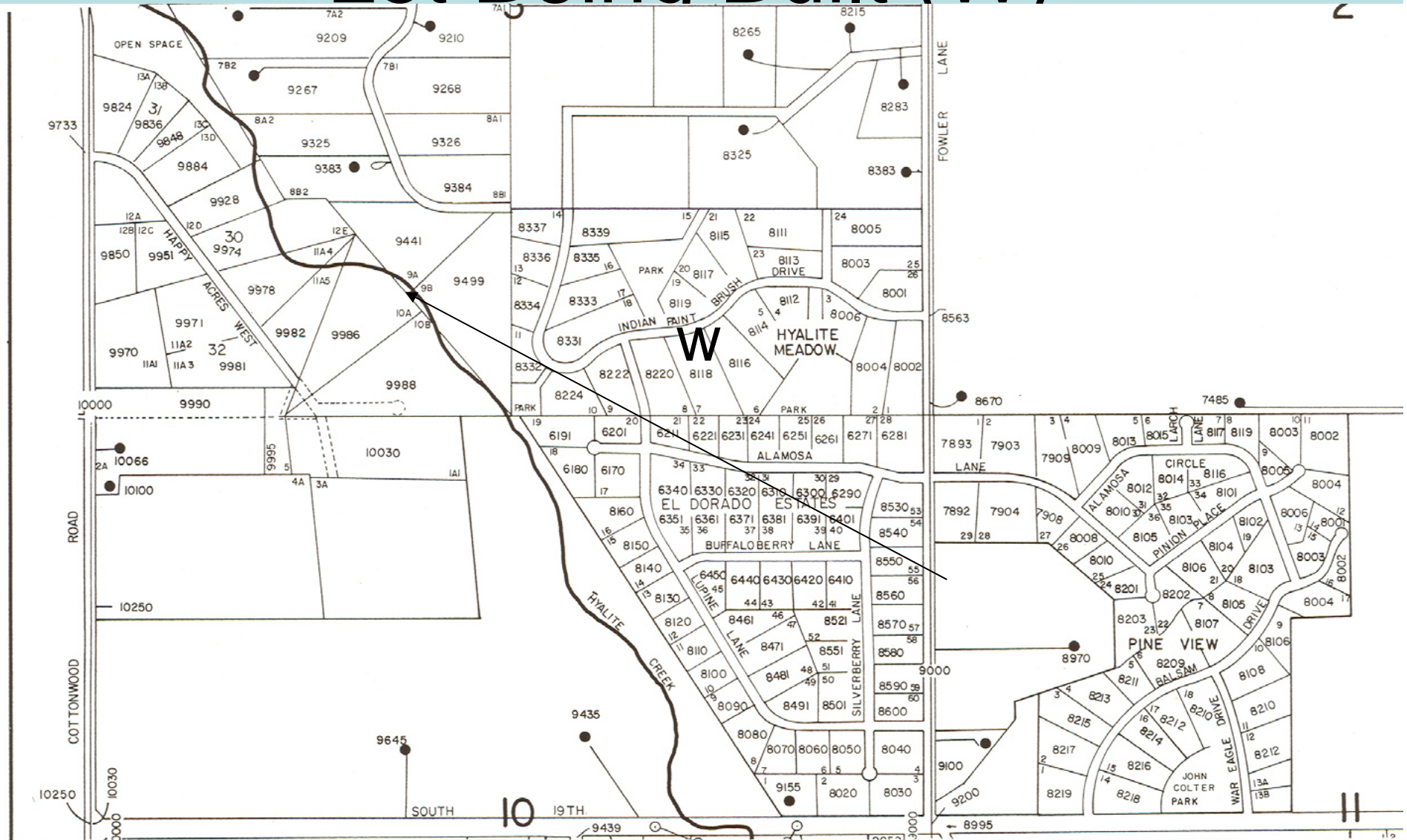
Exempt wells separation from septic systems

- Current rules: 100 foot separation when drilling a well
- BUT there is not an effective process for making sure that a septic system is not permitted within 100 feet of a well.

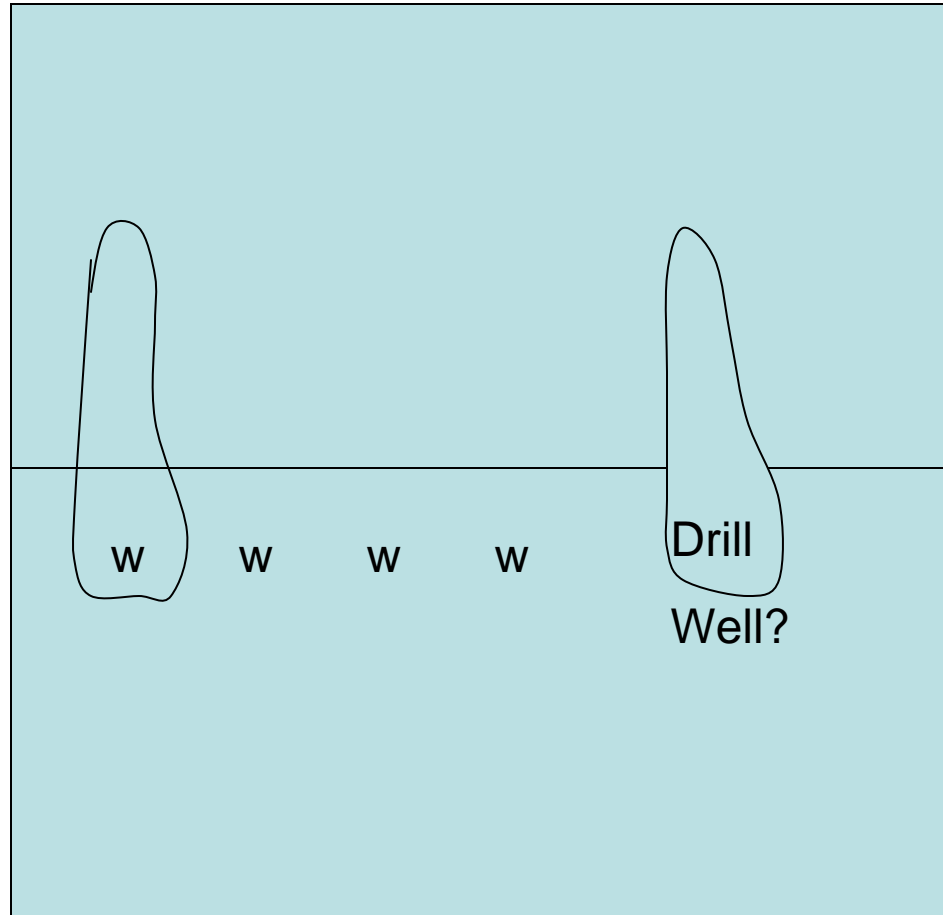

Solutions

- Make septic system permits and subdivision plat maps available on the web.
- Require a drilling permit before drilling a well.

Lot Being Built (W)



Direction of
Flow



Notice of completion

- Up to 50% of the owners of low yield wells have not filed a notice of completion
- Many do not transfer their water right when the property is transferred
- Solution: Education
 - DNRC
 - County

Appendices